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MINISTRY OF LAW

NOTIFICATION

New Delhi, the 9th April 1959

G.S.R. 433.—In exercise of the powers conferred by section 169 of the Representation of the People Act, 1951 (43 of 1951), the Central Government after consulting the Election Commission hereby makes the following further amendments in the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1956, namely:—

(1) In rule 5, in sub-rule (1), for the words "Official Gazette", the words "Gazette of India and in the Official Gazette of each State" shall be substituted.

(2) Rule 16 shall be omitted.

(3) For the heading of Chapter II, the following heading shall be substituted, namely:—

"Voting in Parliamentary and Assembly Constituencies".

(4) In rule 17, for clause (b), the following clause shall be substituted, namely:—

"(b) 'candidate' means a contesting candidate."

(5) In rule 20, in sub-rule (1), for clause (b), the following clause shall be substituted, namely:—

"(b) a copy of the list of contesting candidates in Form 7A."

(6) In rule 25, after sub-rule (2), the following sub-rule shall be inserted, namely:—

"(2A) Where the polling station is situated in a constituency, electors of which have been supplied with identity cards under the provisions of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956, the elector shall produce his identity card before the presiding officer or polling officer authorised by him in this behalf."

(7) In rule 26—

(a) for sub-rule (3), the following sub-rule shall be substituted, namely:—

"(3) If any elector—

(a) refuses to allow his forefinger to be inspected or marked in accordance with sub-rule (1) or has already such a mark on his left forefinger or persists in doing any act with a view to remove such indelible mark, or

(b) on being required under sub-rule (2) to affix his signature or thumb impression on an identity slip, refuses to do so, or

(c) fails or refuses to produce his identity card as required by sub-rule (2A) of rule 25,

he shall not be supplied with any ballot paper or allowed to vote.”;

(b) in sub-rule (4)—

(i) the words “or electoral college” shall be omitted;

(ii) after the words “identity slip”, the words “or has produced his identity card” shall be inserted.

(8) In rule 27, in sub-rule (1), after the words, brackets and figure “under sub-rule (2) of that rule”, the words, brackets, figures and letters “and has produced his identity card as required by sub-rule (2A) of rule 25” shall be inserted

(9) For rule 41E, the following rule shall be substituted, namely:—

“41E. *Ballot Papers*.—(1) Every ballot paper shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) The names of the candidates shall be arranged in the same order in which they appear in the list of contesting candidates in Form 7A.

(3) In a two-member constituency, where both seats are to be filled at the election, the name of every candidate belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be shall be marked with an asterisk and a foot-note to indicate that detail shall be included.

(4) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.”

(10) In rule 41 I—

(a) in the heading, for the words “illiteracy and” the words “blind or” shall be substituted;

(b) in sub-rule (1)—

(i) the words “illiteracy or” shall be omitted;

(ii) for the words “read the ballot paper”, the words “recognize the symbols on the ballot paper” shall be substituted.

(11) After rule 42, the following rule shall be inserted, namely:—

“42A. *Postal Ballot for persons holding declared offices*.—(1) Any person holding an office declared by the President to be an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 (43 of 1950), apply and the wife of any such person may give his or her vote by postal ballot if he or she has been registered in the electoral roll of the constituency on the basis of a statement submitted by such person under rule 7 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1956.

(2) Any such elector wishing to vote by postal ballot shall send an intimation in Form 17 to the returning officer so as to reach him at least one week before the date, or the first of the dates, fixed for the poll.

(3) On receipt of an intimation under sub-rule (2), the returning officer shall arrange to take the vote of the elector by postal ballot.”

(12) For rule 45, the following rule shall be substituted, namely:—

“45. *Postal ballot papers*.—(1) A postal ballot paper to be used at elections under this Chapter shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) Sub-rules (2), (3) and (4) of rule 41E shall apply in relation to a postal ballot paper as they apply in relation to a ballot paper to be used at a notified polling station.”

(13) In rule 46, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) The returning officer shall, as soon as practicable, send a postal ballot paper by registered post to each elector entitled to vote by postal ballot under rule 42, 42A, 43 or 44 or in the case of an elector entitled to vote under rule 42A or 44 deliver it or cause it to be delivered to such elector personally and shall at the same time—

(a) record in such manner as the Election Commission may direct the serial number of each ballot paper against the entry relating to that elector in the copy of the electoral roll set apart for the purpose (referred to in these rules as the marked copy of the electoral roll);

(b) except in cases covered by rule 42 or 42A, take necessary steps to ensure that the elector is not allowed to vote at a polling station.”

(14) In rule 50, in sub-rule (1), for the words “fixed in that behalf”, the words “immediately preceding the date or the last of the dates fixed for the poll” shall be substituted.

(15) For the heading of Chapter III, the following heading shall be substituted, namely:—

“Counting of Votes in Parliamentary and Assembly Constituencies ”

(16) In rule 52—

(a) for clause (b), the following clause shall be substituted, namely:—

“(b) ‘candidate’ means a contesting candidate”;

(b) in clause (c), for the words “an Assembly Constituency or an Electoral College Constituency”, the words “or an Assembly Constituency” shall be substituted.

(17) For rule 53, the following rule shall be substituted, namely:—

“53. *Date, time and place for commencement of counting.*—The returning officer shall, at least one week before the date, or the first of the dates, fixed for the poll, fix the dates on which and the time and place at which the counting of votes shall commence, and shall give notice of the same in writing to each candidate or his election agent:

Provided that if for any reason the returning officer finds it necessary so to do, he may alter the date, time and place so fixed, or any of them, after giving notice of the same in writing to each candidate or his election agent.”

(18) In rule 57—

(a) in sub-rule (2), in the proviso—

(i) for the words “the Election Commission on being satisfied”, the words “the returning officer is satisfied” shall be substituted;

(ii) the words “has directed that the defect should be overlooked” shall be omitted;

(b) for sub-rule (5), the following sub-rule shall be substituted, namely:—

“(5) The returning officer shall record on every ballot paper which he rejects the letter ‘R’ and the grounds of rejection in abbreviated form either in his own hand or by means of a rubber stamp.”

(19) For rule 74, the following rules shall be substituted, namely:—

“74. *Ballot Papers.*—(1) Every ballot paper shall bear a serial number and shall be in such form, and the particulars therein shall be in such language or languages, as the Election Commission may direct.

(2) The names of the candidates shall be arranged in the same order in which they appear in the list of contesting candidates in Form 7B,

- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner.

74A. *Issue of ballot papers to electors.*—(1) No ballot paper shall be delivered to an elector unless he has put his signature against his name in the marked copy of the list of electors in token of the receipt of the ballot paper.

- (2) Before any ballot paper is delivered to an elector in a local authorities' constituency, the serial number on every such ballot paper shall be effectively concealed in such manner as the Election Commission may direct in order to ensure the secrecy of voting."

- (20) For rule 82, the following rule shall be substituted, namely:—

"82. *Postal ballot papers.*—A postal ballot paper to be used at elections under this Chapter shall be in the same form, and contain the same particulars, as a ballot paper to be used at a polling station with the words "POSTAL BALLOT PAPER" stamped on the back of the ballot paper."

- (21) In rule 83, after sub-rule (3), the following sub-rule shall be inserted, namely:—

"(3A) Before any ballot paper is sent to an elector in a local authorities' constituency, the serial number on every such ballot paper shall be concealed in such manner as the Election Commission may direct in order to ensure secrecy of voting."

- (22) In rule 88, in sub-rule (1), for the words "fixed in that behalf", the words "immediately preceding the date fixed for the poll" shall be substituted.

- (23) For rule 97, the following rule shall be substituted, namely:—

"97. *Ballot papers.*—(1) A ballot paper shall bear a serial number and shall be in such form, and the particulars therein shall be printed in such language or languages, as the Election Commission may direct

- (2) The names of the candidates shall be arranged in the same order in which they appear in the list of contesting candidates in Form 7B.

- (3) If two or more candidates bear the same name, they shall be distinguished by the addition of their occupation or residence or in some other manner."

- (24) In rule 98—

- (a) in sub-rule (1), for the words "a mark shall be placed", the words "the serial number of the ballot paper shall be recorded" shall be substituted;

- (b) after sub-rule (2), the following sub-rule shall be inserted, namely:—

"(3) Before any ballot paper is delivered to an elector, the serial number on every such ballot paper shall be effectively concealed in such manner as the Election Commission may direct in order to ensure secrecy of voting."

- (25) In rule 104, in sub-rule (1), the following proviso shall be inserted, namely:—

"Provided that it shall not be necessary to seal or secure the ballot boxes if votes contained therein are to be counted immediately after the close of the poll."

- (26) In rule 108—

- (a) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

"(1) On or before such date as may be fixed in this behalf by the Election Commission, the returning officer shall send by registered post to each elector entitled to vote by postal ballot under this Chapter a ballot paper which shall be in the same form, and contain the same particulars, as a ballot paper to be used at a polling station with the words "POSTAL BALLOT PAPER" stamped on the back of the ballot paper,

(2) The returning officer shall record in such manner as the Election Commission may direct the serial number of the ballot paper issued to each elector against the entry relating to the elector in a copy of the list maintained under sub-section (1) or sub-section (2) of section 152:

(b) after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(4A) Before any ballot paper is sent to an elector, the serial number on every such ballot paper shall be effectively concealed in such manner as the Election Commission may direct in order to ensure the secrecy of voting.”

(27) In rule 113, in sub-rule (1), for the words “fixed in that behalf”, the words “immediately preceding the date fixed for the poll” shall be substituted.

(28) In rule 116, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) A postal ballot paper shall also be invalid if it is not returned in the cover sent alongwith it to the elector by the returning officer.”

(29) In rule 134, after sub-rule (1), the following sub-rule shall be inserted, namely:—

“(1A) Where the returning officer is of the opinion that the account of election expenses of any candidate has not been lodged in the manner required by the Act and these rules, he shall with every such report forward to the Election Commission the account of election expenses of that candidate and the vouchers lodged along with it.”

(30) In rule 138, in sub-rule (1), clause (c) shall be omitted and clause (f) shall be relettered as clause (e).

(31) After rule 141, the following rule shall be inserted, namely:—

“Number of votes sufficient to secure the return of a candidate in relation to return of forfeiture of deposits in certain cases.

141A. For the purposes of the proviso to sub-section (4) of section 158—

(a) a candidate who is not elected shall be deemed to get,—

(i) if he is a continuing candidate, the votes obtained by him at the end of the final count, and

(ii) if he is a candidate excluded from the poll, the votes obtained by him at the end of the count immediately preceding his exclusion;

(b) the quota referred to in sub-rule (2) of rule 122 shall be deemed to be the number of votes sufficient to secure the return of a candidate.”

(32) Form 2C and Form 3B shall be omitted.

(33) In Form 5, in the foot-notes, item (3) shall be omitted.

(34) In Form 7A, the words “Electoral College” shall be omitted.

(35) In Form 7A and in Form 7B, the following foot-notes shall be omitted, namely:—

“The poll will be taken between the hours of..... and..... on.....(date or dates).

Postal ballot papers must reach the undersigned before 5 P.M. on..... (date).”

(36) In Form 8, in the foot-notes, item (3) shall be omitted.

(37) In Form 9, in the foot-notes, item (3) shall be omitted.

(38) In Form 10, in the foot-notes, item (3) shall be omitted.

(39) In Form 11, in the foot-notes, item (3) shall be omitted.

(40) Form 12 shall be omitted.

(41) Form 16A shall be omitted.

(42) For Form 17, the following form shall be substituted, namely:—

"FORM 17

Letter of intimation to Returning Officer

(See Rule 42A)

To

The Returning Officer,

.....Constituency,

Sir

I intend to cast my vote by post at the ensuing election to the.....
 Legislative Assembly from.....Constituency,
 House of the People

My name has been included in the electoral roll at the following address:—

.....

The ballot paper may be sent to me at the following address:—

.....

Yours faithfully,

Place

..... "

Date

(43) In Form 19, in the foot-notes, item (3) shall be omitted.

(44) In Form 20, in the foot-notes, item (3) shall be omitted.

(45) Form 21 shall be omitted.

(48) Form 25 shall be omitted.

(49) Form 26A shall be omitted.

(50) In Form 27, in Part I—Directions to Electors, for paragraphs 5 and 6; the following paragraph shall be substituted, namely:—

“5. An elector shall obtain the attestation of his signature on the declaration in Form 26B/29B,—

(a) if he is under preventive detention, by the Superintendent of the jail, or the commandant of the detention camp, in which he is under such detention,

(b) if he is not under preventive detention, by a stipendiary magistrate to whom he is personally known or to whose satisfaction he has been identified, *or in the case of an election by a council constituency*, by any of the following categories of officers who have been notified in this behalf by the Election Commission, namely: —

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(51) Form 28 shall be omitted.

(52) Form 29A shall be omitted.

[No. F. 7(4)/59-Elec.]

G. R. RAJAGOPAL, Secy.

